

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ZUMAR H. DUBOSE <i>Plaintiff pro se</i>	:	CIVIL ACTION
	:	
	:	
v.	:	NO. 23-CV-2155
	:	
UNITED STATES OF AMERICA <i>Defendant</i>	:	
	:	

O R D E R

AND NOW, this 7th day of August, 2023, upon consideration of Zumar H. DuBose's *Motion to Proceed In Forma Pauperis*, (ECF 7), Prisoner Trust Fund Account Statement, (ECF 8), *pro se* Complaint, (ECF 2), and *Motion for Preliminary Injunction*, (ECF 6), it is hereby **ORDERED** that:

1. The motion for leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.

2. Zumar H. DuBose, #20472-509, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of FDC Philadelphia or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to DuBose's inmate account; or (b) the average monthly balance in DuBose's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in DuBose's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the

Clerk of Court equaling 20% of the preceding month's income credited to DuBose's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of FDC Philadelphia.

4. The Complaint is **DEEMED** filed.

5. DuBose's Complaint is **DISMISSED, without prejudice**, for lack of jurisdiction for the reasons set forth in the accompanying Memorandum. This dismissal is without prejudice to DuBose filing a new FTCA civil action after exhausting his administrative remedies.

6. DuBose's *Motion for Preliminary Injunction*, (ECF 6) is **DENIED**

7. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court